



UNITED STATES DEPARTMENT OF COMMERCE

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MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/441,204	11/16/99	VERCHERE	D 56490.000002

021967  
HUNTON AND WILLIAMS  
1900 K STREET N W  
WASHINGTON DC 20006

TM02/0706

EXAMINER

AZPURU, C

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 07/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/441,204

Applicant(s)

Vercher

Examiner  
Carlos Azpuru

Art Unit  
2165



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 20, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Receipt is acknowledged of the request for reconsideration filed 04/20/01.

Upon review of the prior office action, it is agreed that the Bemrose reference should be withdrawn. The following reference is cited after a supplemental search of the prior art:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by M2 Presswire.

Presswire disclose a system for acquiring branded promotional comprising a database containing product information, a branded promotional website having the customer's personal brand, and a processor for making transactions (see text).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is 703/308-0237. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 and 703-308-6296.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

ca  
July 2, 2001

A handwritten signature in cursive script, appearing to read "Carlos Azpuru".

**CARLOS A. AZPURU  
PRIMARY EXAMINER  
GROUP 1500**

first pilot involving the EDI transmission of sales data and the receipt of an...

... point, the retailer is targeting full-cycle partnerships in order to take advantage of Universal **Product Code labeling**. McRae's felt that significant benefits could be realized from these services by eliminating counting...

8/3,K/4 (Item 1 from file: 9)  
DIALOG(R)File 9:Business & Industry(R)  
(c) 2001 Resp. DB Svcs. All rts. reserv.

02465528 (USE FORMAT 7 OR 9 FOR FULLTEXT)  
**ABN AMRO Looks For Profits In Trade Consolidation**  
(ABN AMRO Bank's decision to consolidate its N American trade and advisory business has made it more agile in serving customers)  
International Banker, v 11, n 20, p 1  
May 17, 1999  
DOCUMENT TYPE: Newsletter ISSN: 0958-353X (United States)  
LANGUAGE: English RECORD TYPE: Fulltext  
WORD COUNT: 671

(USE FORMAT 7 OR 9 FOR FULLTEXT)

ABSTRACT:

...trade area, which includes short-term trade-related products such as letters of credit. For **electronic trade** transactions, the bank has developed a suite of **products** under the **trademark** TradeStation, including letter of credit advisory and initiation products and **purchase order processing** systems. ...

TEXT:

...we can continue to adapt quickly as technology and customer requirements evolve," she said.

For **electronic trade** transactions, the bank has developed a suite of **products** under the **trademark** TradeStation, including letter of credit advisory and initiation products and **purchase order processing** systems.

While aiming to expand the capabilities and functions of its classic trade area, the...

8/3,K/5 (Item 1 from file: 636)  
DIALOG(R)File 636:Gale Group Newsletter DB(TM)  
(c) 2001 The Gale Group. All rts. reserv.

*Reference 09/44, 204  
Presswire*

04023430 Supplier Number: 53271560 (USE FORMAT 7 FOR FULLTEXT)  
-OPEN MARKET: Open Market announces new modular packaging to provide lower entry-level price.  
M2 Presswire, pNA  
Nov 25, 1998  
Language: English Record Type: Fulltext  
Document Type: Newswire; Trade  
Word Count: 849

(USE FORMAT 7 FOR FULLTEXT)

TEXT:

...requirements dictate. For many, phase one involves creating an online catalogue. Phase two includes capturing **orders**, **processing**

transactions, and integrating with enterprise business systems. Phase three includes advanced applications such as offering...

...system. The LiveCommerce base catalogue system is a complete, dynamic catalogue with the customer's **branding** and **products** built-in. The base system includes: \* Catalogue templates for rapid deployment \* Hierarchical and rich text...

...statements filed with the Securities and Exchange Commission. Open Market, Transact, LiveCommerce and We ARE **Internet** Commerce are **trademarks** or registered **trademarks** of Open Market, Inc. in the United States and other countries. All other names are...

8/3,K/6 (Item 2 from file: 636)

DIALOG(R)File 636:Gale Group Newsletter DB(TM)

(c) 2001 The Gale Group. All rts. reserv.

03873771 Supplier Number: 48458339 (USE FORMAT 7 FOR FULLTEXT)

**-OPEN MARKET: Open Market and Verifone strike comprehensive agreement**

M2 Presswire, pN/A

May 1, 1998

Language: English Record Type: Fulltext

Document Type: Newswire; Trade

Word Count: 1247

(USE FORMAT 7 FOR FULLTEXT)

TEXT:

...more than 18 countries worldwide. Transact, originally introduced in 1995, is the pre-eminent transaction **processing**, **order** management, and customer service software for Internet commerce. Transact provides the commercial backbone for some...registration statements filed with the Securities and Exchange Commission. Open Market, Transact, and We ARE **Internet** Commerce are **trademarks** or registered **trademarks** of Open Market, Inc. in the United States and other countries. VeriFone, the VeriFone logo...

...or other countries. SET Secure Electronic Transaction, Secure Electronic Transaction, SET and the SET Secure **Electronic** Transaction LLC design mark are **trademarks** and service marks owned by SET Secure Electronic Transaction LLC. Reproduction of any of these...

...consent is strictly prohibited. Copyright 1998 SET Secure Electronic Transaction LLC. All other company names, **brands** or **products** may be **trademarks** or registered **trademarks** of their respective owners. CONTACT: Judith Brown/Lauren Guy, The Weber Group Europe Tel: +44...

8/3,K/7 (Item 1 from file: 621)

DIALOG(R)File 621:Gale Group New Prod.Annou.(R)

(c) 2001 The Gale Group. All rts. reserv.

01871435 Supplier Number: 54608936 (USE FORMAT 7 FOR FULLTEXT)

**CyberShop Reports First Quarter Results.**

Business Wire, pl443

May 11, 1999

Language: English Record Type: Fulltext

Document Type: Newswire; Trade

Word Count: 784

... greater brand recognition. CyberShop also announced, during the first quarter its intention to shift its **merchandising** strategy, targeting off-price **branded merchandise** found in outlets and